

201600489

IN THE CIRCUIT COURT OF ASHLEY COUNTY, ARKANSAS

MARY ADDINGTON

VS.

CASE NO.: CV-2016-035-3

DOLGENCORP, LLC
D/B/A DOLLAR GENERALFILED FOR RECORD
Ashley County, Arkansas
at 2:00 o'clock P m

FEB 26 2016

DEFENDANT
VICKIE STELL CIRCUIT CLERK
By [Signature]

COMPLAINT

COMES Mary Addington, Plaintiff herein, by and through her attorney, Michael D. Ray,
and for her Complaint at Law does state as follows:

COUNT ONE

1. That the Plaintiff is and all times herein was a resident of Ashley County, Arkansas, and that the Defendant, Dolgencorp, LLC d/b/a Dollar General, at all times hereinafter mentioned was and still is a Foreign LLC with its principle place of business located in the State of Kentucky with the registered agent being Corporation Service Company, 300 S. Spring Street, Little Rock, Arkansas, 72201, and that said incorporation does and has maintained a retail sales business in Hamburg, Ashley County, Arkansas.

2. That this Court has jurisdiction and venue pursuant to A.C.A. 16-60-109.

3. That this Court has jurisdiction over the subject matter of the claim pursuant to A.C.A. 16-13-201.

4. On February 7, 2016, and for some time prior thereto, Defendant, through its duly authorized servants, agents and employees, operated a general retail store at the premises commonly known as "Dollar General" located in Hamburg, Arkansas, and as a part of said store premises, Defendant maintained its floors and property for use by the public, specifically upon which it invited its prospective customers to enter and walk upon.

EXHIBIT

A

DG88:52:5783/88/2816

DG88:52:5783/88/2016

5. On February 7, 2016, Plaintiff entered the Dollar General Store in Hamburg, Arkansas, for the purpose of shopping and making purchases. While on the toy aisle, Plaintiff reached up and got a toy to put in the shopping cart and tripped over a toy in a box on the floor and fell forward, face first on the floor, resulting in substantial harm to Plaintiff's person.

6. That on the date and time of the injury, Plaintiff was a business invitee upon the premises of the Defendant.

7. As a result of the carelessness, recklessness and negligence of Defendant, its duly authorized servants, agents and employees, in the Dollar General Store in Hamburg, Arkansas, Plaintiff was caused to slip and fall upon said floor, whereby she sustained severe personal injuries hereinafter set forth.

8. On said date and at said time and place, Defendant Corporation was careless, reckless and negligent in that it, its duly authorized servants, agents and employees:

- a. Maintained a floor, for use by the public, which it knew or should have known was partially blocked and littered with merchandise and boxes creating a condition that was dangerous to persons using same.
- b. Maintained an aisle that was for use by the public which was stocked with consumer goods including toys, and upon the floor of this aisle, boxes of toys were placed which Plaintiff was required to encounter in navigating this aisle and upon which no warning signs were placed regarding the condition of the aisle.
- c. Failed to maintain the floors in a clean and safe manner for use by its customers.

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- d. Failed to insure that the goods that were stocked for sale were properly shelved and secured for the protection of its customers.
- e. Failed to exercise a reasonable degree of care for the safety of Plaintiff, as an invitee upon the store's premises at the time and place and under the circumstances herein described.

9. As a direct and proximate result of the carelessness, recklessness and negligence of the Defendant, as foresaid, Plaintiff was severely injured as follows: Plaintiff was damaged by incurring medical expenses and Plaintiff will continue to incur medical expenses in the future in an amount to be proven at trial.

10. Plaintiff was damaged as a direct and proximate result of the Defendant's negligence and has experienced pain, suffering and mental anguish as well as permanent injury and impairments and will continue in the future to experience pain, suffering and mental anguish all to her detriment and damage, in an amount greater than required to establish federal jurisdiction under diversity of citizenship.

Wherefore, premises considered, the Plaintiff, Mary Addington, prays that she have and recover from and of the Defendant her damages for past, present and future medical costs and expenses, and for past, present and future pain, suffering and mental anguish, and for lost wages and future loss of earnings all in an amount greater than required to establish federal jurisdiction under diversity of citizenship, together with costs herein expended and for such other proper and just relief to which she is entitled, including, but not limited to reasonable attorney fees.

Respectfully submitted,
Mary Addington, Plaintiff

By: _____

~~Michael D. Ray~~ AR Bar No.: 92-146
~~PO Box 1123~~
~~Crossett, AR 71635~~
~~870-364-5176 phone~~
~~870-364-6503 fax~~

VERIFICATION

I, Mary Addington, Plaintiff, state under oath that the facts contained in the foregoing pleading are true and correct to my knowledge, information and belief.

Mary Addington
Mary Addington

DG88:52:5983-88/2016

IN THE CIRCUIT COURT OF ASHLEY COUNTY, ARKANSAS
CIVIL DIVISION

SUMMONS

MARY ADDINGTON

PLAINTIFF

v.

NO.: CV-2016-035-3

DOLGENCORP, LLC
D/B/A DOLLAR GENERAL

DEFENDANT

THE STATE OF ARKANSAS TO DEFENDANT:

DolgenCorp, LLC
d/b/a Dollar General
c/o Corporation Service Company
300 S. Spring Street
Little Rock, AR 72201

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it)-or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas-you must file with the clerk of this Court a written answer to the Complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the Plaintiff or Plaintiff's attorney, whose name and address are: Michael D. Ray, PO Box 1123, Crossett, Arkansas, 71635

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the Complaint.

Additional Notices:

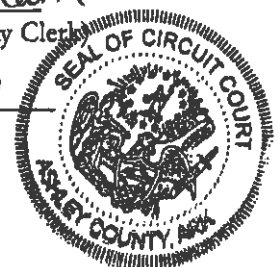
Address of Circuit Clerks Office:
Ashley County Circuit Clerk
Ashley County Courthouse
Hamburg, AR. 71646

VICKIE STELL
CLERK OF COURT

[SEAL]

Lisa Fulgham
(Signature of Clerk or Deputy Clerk)

Feb 26, 2016
Date



DC98:52:5983/08/2016

DCBB:53:0003/08/2016

No. _____ This summons is for Dolgencorp, LLC d/b/a Dollar General

PROOF OF SERVICE

☐ I personally delivered the summons and complaint to the individual at _____ on the _____ day ; or

☐ I left the summons and complaint in the proximity of the individual by _____ after he/she refused to receive it when I offered it to him/her; or

☐ I left the summons and complaint at the individual's dwelling house or usual place of abode _____ (address) with _____ (name), a personal at least 14 years of age who resided there, on _____ (date); or

☐ I delivered the summons and complaint to _____ (name of individual), an agent authorized by appoint or by law to receive service of summons on behalf of _____ (name of Defendant) on _____ (date); or

☐ I am the Plaintiff or an attorney of record for the Plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with copies of a notice and acknowledgment form within twenty days after the date of mailing.

☐ Other (Specify) _____

☐ I was unable to execute service because: _____

My fee is: \$ _____

DG88:53:0083-00/2016

To be completed if service is by a sheriff or deputy sheriff:

Date: _____

Sheriff of Ashley County, Arkansas

By: _____

[Signature of server]

[printed name, title and badge number]

To be completed if service is by person other than a sheriff or deputy sheriff.

Date: _____

By: _____

[signature of server]

[printed name]

Address: _____

Phone: _____

Subscribed and sworn to before me this date: _____

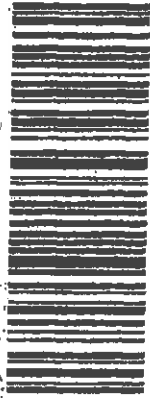
Notary Public

My commission expires: _____

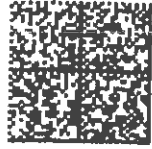
Additional information regarding service or attempted service:

The Ray Law Firm
Michael D. Ray
P.O. Box 1123
Crossett, AR 71635

CERTIFIED MAIL



7014 3490 0000 9375 5827



DolgenCorp, LLC
c/o Corporation Service Company
300 S. Spring Street
Little Rock, AR 72201

72201244459



DG88:53:9163/88/2816

THE RAY LAW FIRM, P.A.
MICHAEL D. RAY
ATTORNEY AT LAW

DC98-53:8283/88/2816

March 1, 2016

VIA Certified Mail (7014 3490 0000 9375 5827)

DolgenCorp, LLC
c/o Corporation Service Company
300 S. Spring Street
Little Rock, AR 72201

RE: Mary Addington vs. Dolgencorp, LLC d/b/a Dollar General
Case No: CV-2016-035-3

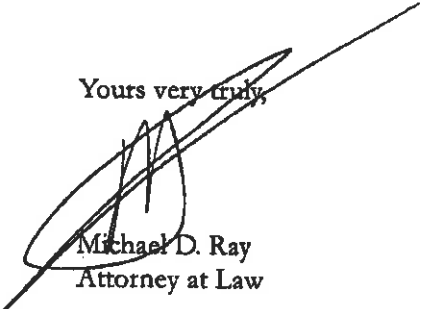
To Whom It May Concern:

Attached you will find a copy of the Complaint at Law along with a Summons served on Dolgencorp, LLC d/b/a Dollar General.

Dolgencorp, LLC should read the enclosed carefully. I will be expecting a response from Dolgencorp, LLC or their attorney within the time and manner prescribed by law. Dolgencorp, LLC has thirty (30) days to file their response.

Dolgencorp, LLC is hereby advised that failure to take action on their part may result in a judgment against them.

Yours very truly,


Michael D. Ray
Attorney at Law

MDR/mnf
Enclosures

909 MAIN STREET/P.O. BOX 1123 • CROSSETT, AR • 71635
PHONE: 870-364-5176 • FAX: 870-364-6503
IN GOD WE TRUST

03/08/2016